

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

MARGARET LITTMAN, et al.,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
LABOR, et al.,

*Defendants.*

No. 3:24-cv-194

Chief Judge Waverly D. Crenshaw, Jr.

Magistrate Judge Barbara D. Holmes

**DEFENDANTS' CROSS-MOTION TO DISMISS  
OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Defendants the U.S. Department of Labor; Julie Su, in her official capacity as the Acting Secretary of Labor; Jessica Looman, in her official capacity as Administrator of the Wage and Hour Division of the U.S. Department of Labor; and the Wage and Hour Division of the U.S. Department of Labor (collectively, "the Department") hereby move for dismissal or, in the alternative, for summary judgment. Specifically, the Department respectfully requests that the Court dismiss this case for lack of subject-matter jurisdiction or, in the alternative, enter judgment for the Department on all of Plaintiffs' claims. The Department's motion is supported by its Consolidated Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction and in Support of Defendants' Cross-Motion to Dismiss or, in the Alternative, for Summary Judgment; Statement of Undisputed Material Facts; and Notice of Filing Certified List of the Contents of the Administrative Record.

Dated: March 15, 2024

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

JULIE STRAUS HARRIS  
Assistant Director

/s/ John T. Lewis  
JOHN T. LEWIS (D.C. Bar No. 1033826)  
(admitted *pro hac vice*)  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, D.C. 20530  
Tel: (202) 353-0533  
Fax: (202) 616-8460  
E-mail: john.t.lewis.iii@usdoj.gov

*Attorneys for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2024, a copy of the foregoing was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/ John T. Lewis  
John T. Lewis